

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STEPHEN A. KONIGSBERG
Plaintiff,

v.

CIVIL ACTION NO.
08-10120-NMG

MICHAEL J. ASTRUE, Commissioner
Social Security Administration,
Defendant.

REPORT AND RECOMMENDATION RE:

**PLAINTIFF'S MOTION FOR AN ORDER REVERSING OR REMANDING THE
DECISION OF THE COMMISSIONER (DOCKET ENTRY # 8); DEFENDANT'S
MOTION FOR ORDER AFFIRMING THE DECISION OF THE COMMISSIONER
(DOCKET ENTRY # 11)**

March 8, 2010

BOWLER, U.S.M.J.

Pending before this court is a motion by plaintiff Stephen Konigsberg ("plaintiff") seeking to reverse the decision of defendant Michael Astrue, Commissioner of the Social Security Administration ("the Commissioner"). (Docket Entry # 8). The Commissioner moves for an order affirming the decision. (Docket Entry # 11). On November 30, 2009, this court held a hearing and took the motions (Docket Entry ## 8 & 11) under advisement.

PROCEDURAL HISTORY

On June 3, 2004, plaintiff filed an application for disability insurance benefits and supplemental security income with the Social Security Administration ("SSA"). (Tr. 31-33). The claims were denied on January 12, 2005, and again denied upon reconsideration on June 29, 2005. (Tr. 13). Subsequently,

*Report and Recommendation accepted and
adopted. NMG, USDJ, 4/29/10*